

STATE OF WISCONSIN

BEFORE THE STATE BOARD OF PERSONNEL

Jack W. Jorgensen,

Appellant,

vs.

C. K. Wettengel, Director,
State Bureau of Personnel,

Respondent.

MEMORANDUM DECISION

Appellant is a State Patrol Lieutenant in SR 1-12. He has a Master's Degree in police administration and public safety from Michigan State University. In addition he has had the regular training courses at the F.B.I. Academy and the Northwestern University Administrative Course.

An opening developed for an Administrative Assistant 5 position - planning officer - in SR 1-15. The Respondent announced an examination for the position which invited applications to be admitted to the examination.

Appellant made application to be admitted to the examination, but his application was denied by the Respondent on the basis that he lacked the requisite experience to qualify for the position. It is from this denial that Appellant has taken this appeal.

The specifications for this Administrative Assistant 5 position contain these requisites;

"Graduation from a college of recognized standing and one year of administrative law enforcement experience in a position that would normally be allocated to salary range 1-13 or above or an equivalent combination of training and experience".

Appellant's contentions are these:

1. That he has more than the required education for the position of Administrative Assistant 5 - baccalureate degree required - and the fact that he has a Master's Degree should fulfill the equivalency of experience.

2. That the position of the State Patrol Lieutenant should be in salary range 1-13, rather than in salary range 1-12 on the basis of its duties and responsibilities.

3. That on a relief and fill-in basis for employes in a higher salary range he has had experience in administrative law enforcement in salary range 1-13 and above.

As to his first contention: Equivalencies are a rather difficult thing to handle in the abstract. Standards should be adopted by the administrators of the examination process to assure that equivalency be considered and treated uniformly and as objectively as possible. The Bureau appears to have such standards. Experience is accorded an equivalency to formal education on a year for year basis. Education can substitute for experience on the basis that a Baccalureate degree satisfies the experience required for a position up to and including the range 1-10 positions; that a Master's degree satisfies the experience required for a position up to and including the range 1-12; that a Doctorate satisfies the experience required for a position up to and including range 1-14. These standards are based on the types of jobs where no experience is required and the requisite is only formal education. The standards used by the Bureau seem to the Board to be reasonable and well justified. Hence, the Appellant's Master's Degree can substitute for experience in administrative law enforcement for a position no higher than one in range 1-12.

As to his second contention: Regardless of any arguments pro or con, the position of the State Patrol Lieutenant is in salary range 1-12. This Board had an administrative part in placing it there. While we are not infallible, we will not, on appeals, review our administrative decisions. Such

would create chaotic uncertainty. This precedent was set in the Neff case, and has been consistently followed.

As to his third contention: It is contemplated that employes in lower classifications will on a fill-in basis perform from time to time the duties of a higher classified position. This is particularly true in an organization structured as is the State Patrol. However, when a lieutenant stands in for a Captain, he is still acting as should a Lieutenant. Part of a Captain's job is to stand in for a Major - which a Lieutenant should never be required to do. A Lieutenant can gain a Captain's experience only if he acts as a Captain continuously and over an extended period of time.

It is clear that Appellant has not had the requisite actual experience of one year in administrative law experience in a position that would normally be allocated to salary range 1-13 or above. The Board is convinced that the Appellant's formal education does not afford an equivalency to such experience.

The Appellant's appeal should be dismissed.

Dated: November _____, 1970.

STATE BOARD OF PERSONNEL

BY _____

